

### **REMARKS**

The present application has been carefully studied and amended in view of the outstanding Office Action dated February 5, 2003, and reconsideration of rejected claims 1 and 6-10 is requested in view of the following comments.

Sincere appreciation is extended for the indication that claim 2 is directed to allowable subject matter. Claim 2 has now been rewritten in independent form including all of the limitations of base claim 1 and as such claim 2 is believed to be in condition for allowance. Additionally, added claims 11-15 include the limitations of allowed claim 2, and these added claims are also believed to be in condition for allowance.

Applicant respectfully transverses the restriction requirement between the subject matter of claims 1-2 and 6-10 (Group I) and the subject matter of claims 3-5 (Group II). Fundamentally, the features recited in all of claims 1-10 are similar and overlapping. Similar issues must be addressed, and the fields of search are both similar and overlapping. It is respectfully requested that a single prosecution history be generated for the subject matter of original claims 1-10. The Examiner's discretion is available in instances of restriction requirement, and it is requested that such discretion be implemented in withdrawing the restriction requirement. Accordingly, for all of these reasons it is respectfully requested that the restriction requirement be withdrawn. However, as required by restriction practices, applicant elects the invention of Group I and finds claims 1-2 and 6-15 readable thereon.

Claims 2 and 11-15 are believed to be in condition for allowance for the reasons expressed above. Remaining claims 1 and 6-10 are also believed to be in condition for

allowance for the reasons expressed below.

Applicant respectfully submits that claims 1 and 6-10 define subject matter which is neither disclosed nor suggested by the prior art taken alone or in combination with one another. Specifically, claims 6-10 are not anticipated by Berg et al US 3,890,245 ("Berg"), and claim 1 is not rendered obvious by the combination of Berg in view of Litzinger US 4,266,561.

Fundamentally, claims 1 and 6-10 have been amended to recite and more clearly emphasize one of the critical features of the present invention which distinguishes the invention from the prior art. In this regard, all of these claims recite that the at least one heavy metal is incorporated within the catalytically active carbon. The specification clearly describes this distinguishing feature where the metal ion is incorporated within the graphitic sheets of the active carbon so as to be in intimate electronic and electrical contact with the graphitic sheets. (Specification, page 6, lines 5-6; Page 6, line 20; Page 7, line 4; page 8, lines 11-12).

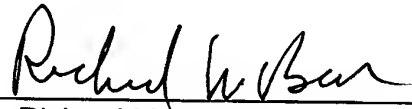
Berg is totally unlike the subject matter of the rejected claims since any "impregnation" of the active carbon with the metal salts is effected at low temperature which leaves the metal on the surface of the carbon rather than incorporated into the carbon itself. Such is described in the specification, page 8, lines 9-13.

The secondary Litzinger reference does not address the failure of Berg to suggest that the heavy metal is incorporated within the catalytically active carbon. Accordingly, the combination of Berg and Litzinger does not suggest the invention defined in claims 1 and 6-10 as amended.

A formal Notice of Allowance is believed to be in order, and notice to that effect is respectfully requested.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By   
Richard M. Beck  
Reg. No. 22,580  
Tel. (302) 658-9141

RMB/alh/258552